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Attorneys for State Defendants Barton Eberwein, Hanley Jenkins, Tim Josi, Greg MacPherson, Christine M. Pellett, Ted Wheeler, John VanLandingham, and Marilyn Worrix

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KATHERINE BLUMENKRON, an individual; DAVID BLUMENKRON, an individual; SPRINGVILLE INVESTORS, LLC, a limited liability company,

Plaintiffs,

v.

BARTON EBERWEIN, in his official capacity as member of the Land Conservation & Development Commission; HANLEY JENKINS, in his official capacity as member of the Land Conservation & Development Commission; TIM JOSI, in his official capacity as member of the Land Conservation & Development Commission; GREG MACPHERSON, in his official capacity as member of the Land Conservation & Development Commission; CHRISTINE M. PELLETT, in her official capacity as member of the Land Conservation & Development Commission; TED WHEELER, in his official capacity as member of the Land Conservation & Development Commission; JOHN VANLANDINGHAM, in his official capacity as member and chair of the Land Conservation

Case No. 3:12-cv-00351-BR

UNOPPOSED MOTION TO DISMISS DEFENDANT TED WHEELER

& Development Commission; MARILYN WORRIX, in her official capacity as member and vice-chair of the Land Conservation & Development Commission; DAVID BRAGDON, in his official capacity as a council president of Metro; SHIRLEY CRADDICK, in her official capacity as a councilor of Metro; CARLOTTA COLLETTE, in her official capacity as a councilor of Metro; CARL HOSTICKA, in his official capacity as a councilor of Metro; KATHRYN HARRINGTON, in her official capacity as a councilor of Metro; REX BURKHOLDER, in his official capacity as a councilor of Metro, BARBARA ROBERTS, in her official capacity as a councilor of Metro; and Multnomah County,

Defendants.

Certificate of Compliance

Pursuant to L.R. 7-1 (a) (1) (A), counsel for defendant Ted Wheeler hereby certifies that she conferred with plaintiffs' attorneys concerning the motion and plaintiffs have no objection to entry of an order of dismissal without prejudice in favor of defendant Wheeler.

UNOPPOSED MOTION TO DISMISS

Defendant Wheeler moves for an order dismissing the claims against him on the grounds that Mr. Wheeler is not a commissioner of the Land Conservation and Development Commission as reflected in the caption. Since the filing of the Amended Complaint, plaintiffs agreed to voluntarily remove defendant Wheeler's name from the caption and did so in connection with filing the Second Amended Complaint.

As discussed with the court and counsel in conference on June 13, 2012, defendant Wheeler seeks an order of dismissal without prejudice confirming that he is no longer a party to

this lawsuit. In support of this motion, defendant Wheeler relies on the memorandum in support and declaration filed concurrently.

DATED July 31, 2012.

Respectfully submitted,

ELLEN F. ROSENBLUM
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s/ Darsee Staley
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